

On April 5, 2023, the Court, pursuant to [Fed. R. Civ. P. 42](#), consolidated 31 cases that had been filed regarding the February 3, 2023 Norfolk Southern train derailment in East

Palestine, Ohio. *See* Order ([ECF No. 28](#) in No. 4:23CV0242). The Court also appointed Seth A. Katz, M. Elizabeth Graham, Jayne Conroy, and T. Michael Morgan as Co-Lead Counsel. The Order sets forth the responsibilities that Co-Lead Counsel, in consultation with the Members of the Executive Committee, shall have “on behalf of all Plaintiffs in this action and any additional related actions that are consolidated with this action (collectively, ‘the Action’).” [ECF No. 28 in No. 4:23CV0242 at PageID #: 565](#).

On June 18, 2024, Plaintiffs Erie Insurance Company, Erie Insurance Exchange, Homesite Insurance Company of the Midwest, and American Family Insurance Company filed the within subrogation action against Norfolk Southern Corporation and Norfolk Southern Railway Company (“Norfolk Southern”).

Case No. 4:24CV1024, a related action, is hereby consolidated into Case No. 4:23CV0242 for pretrial purposes pursuant to [Rule 42](#).

## II.

The Court previously announced its intention to administratively close all but Case No. 4:23CV0242 upon the filing of a Master Consolidated Class Action Complaint regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See* Order ([ECF No. 28 in 4:23CV0242](#)) at PageID #: 570 n. 7. The Master Consolidated Class Action Complaint ([ECF No. 31 in 4:23CV0242](#)) was filed on May 4, 2023. Accordingly, Case No. 4:24CV1024 is hereby closed.<sup>1</sup>

---

<sup>1</sup> The Clerk’s Office shall administratively close Case No. 4:24CV1024.

The Clerk of Court shall docket the within Order in Case Nos. 4:23CV242 and 4:24CV1024. Thereafter, all pleadings and other papers for the above-entitled actions shall only be filed in and docket entries shall only be made in Case No. 4:23CV0242.

IT IS SO ORDERED.

June 28, 2024  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge